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6 Board of Administration of the Federated City

Employees' Retirement System

7 *Exempt from filing fees – Government Code*

8 *Section 6103*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF SANTA CLARA

12
13 AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES,
14 LOCAL 101, on behalf of its members,

15 Plaintiff and Petitioner,

16 vs.

17 CITY OF SAN JOSE and DEBRA FIGONE in
her official capacity as City Manager,

18 Defendants and
19 Respondents,

20 THE BOARD OF ADMINISTRATION FOR
THE FEDERATED CITY EMPLOYEES
21 RETIREMENT PLAN,

22 Necessary Party In Interest.

No.: 1-12-CV-227864

**BOARD OF ADMINISTRATION'S
ANSWER TO PLAINTIFF AND
PETITIONER'S COMPLAINT AND WRIT**

Compl. Filed: July 5, 2012

23
24 The Board of Administration of the Federated City Employees' Retirement System
25 ("Board"), named as a "Necessary Party in Interest" and sued incorrectly herein as the Board of
26 Administration for the Federated City Employees Retirement Plan, hereby responds to
27 Plaintiff/Petitioner's Complaint for Declaratory and Injunctive Relief and Petition for Writ of
28 Mandamus ("Complaint") as follows:

1 The unverified Complaint, which names the Board as a "Necessary Party In Interest," makes
2 no allegation of wrongdoing against the Board. The Complaint states that "[a]ction on the part of the
3 Board is required in order to bring the Federated City Employees Retirement System within
4 compliance with Measure B." To the extent any allegations in the Complaint criticize any actions or
5 inactions by the Board, the Board generally denies such allegations, pursuant to California Code of
6 Civil Procedures 431.30(d), and the Board denies that it is liable to any party, for any amount, for
7 any reason.

8 WHEREFORE, the Board prays for judgment to be entered in the Board's favor according to
9 proof, and for such costs and fees as the Court may find are just and proper.

10 DATED: August 6, 2012

11 REED SMITH LLP

12
13 By: 

14 Harvey L. Leiderman

15 Attorneys for Necessary Party in Interest
16 Board of Administration of the Federated City
17 Employees' Retirement System
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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105-3659. On August 6, 2012, I served the following document(s) by the method indicated below:

BOARD OF ADMINISTRATION'S ANSWER TO PLAINTIFF AND PETITIONER'S COMPLAINT AND WRIT

- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

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American Federation of State, County and
Municipal Employees, Local 101

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 6, 2012, at San Francisco, California.

Ann H. Devor

Received
AUG 08 2012
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